

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

PAULA BRAATON,)	
)	
Claimant,)	IC 02-512833
v.)	
)	
EXCEPTIONAL CHILD CARE CENTER, INC.,)	ORDER
AND M&D PROPERTY, INC.,)	
)	
Employer,)	
and)	FILED OCT 14 2005
)	
IDAHO STATE INSURANCE FUND,)	
)	
Surety,)	
Defendants.)	
_____)	

Pursuant to Idaho Code § 72-717, Referee Douglas A. Donohue submitted the record in the above-entitled matter, together with his proposed findings of fact and conclusions of law to the members of the Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendations of the Referee. The Commission concurs with these recommendations. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED that:

1. Claimant injured her back in a work-related accident on June 27, 2002.
2. Claimant's PPI is rated at 18%, with 5% pre-existing, for a PPI rating of 13% of the whole person.
3. Claimant failed to show she suffered permanent disability in excess of impairment.
4. Claimant is entitled to benefits for the medical care provided to the date of

the hearing. She failed to show she is entitled to further medical care, including a spinal cord stimulator.

5. Defendants failed to show Idaho Code § 72-403 should be applied to reduce Claimant's benefits.

6. Claimant failed to show she is entitled to an award of attorney fees.

7. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all issues adjudicated.

DATED this 14TH day of OCTOBER, 2005.

INDUSTRIAL COMMISSION

/S/_____
Thomas E. Limbaugh, Chairman

/S/_____
James F. Kile, Commissioner

/S/_____
R. D. Maynard, Commissioner

ATTEST:

/S/_____
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on 14TH day of OCTOBER, 2005, a true and correct copy of the foregoing **ORDER** was served by regular United States Mail upon each of the following:

Keith E. Hutchinson
P.O. Box 207
Twin Falls, ID 83303-0207

Neil D. McFeeley
P.O. Box 1368
Boise, ID 83701

db

/S/_____